

ENTERED

March 22, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JULIUS TURNER,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 2:17-CV-385
	§	
SUSANNA CARBETT, <i>et al</i> ,	§	
	§	
Defendants.	§	

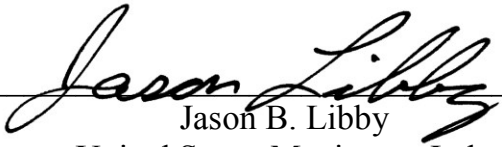
**ORDER CONSTRUING PLAINTIFF’S MOTION AS A DEMAND
FOR A JURY TRIAL AND DIRECTING THE CLERK OF COURT
TO DESIGNATE THIS ACTION AS INCLUDING A JURY DEMAND**

Plaintiff Julius Turner is a Texas inmate assigned to the McConnell Unit in Beeville, Texas. Plaintiff is appearing *pro se* and *in forma pauperis*. He filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983 alleging deliberate indifference to his serious medical needs in violation of the Eighth Amendment. Pending before the Court is Plaintiff’s Motion for a Jury Trial. (D.E. 5)

The undersigned construes plaintiff’s motion as a demand for a jury trial pursuant to Federal Rule of Civil Procedure 38(b), which provides that a party may demand a jury trial by “serving the other parties with a written demand ... no later than 10 days after the last pleading directed to the issue is served.” Plaintiff’s demand is timely filed because the defendants in this case have not filed an answer. *See Root v. Hutchinson*, No. 1:07-cv-951, 2008 WL 191635, at *1 (W.D. Mich. Jan. 22, 2008). Plaintiff’s motion,

construed as a demand for a jury trial (D.E. 5), is **GRANTED** to the extent that the Clerk of the Court is **DIRECTED** to designate this action as including a jury demand.

ORDERED this 22nd day of March, 2018.



Jason B. Libby
United States Magistrate Judge